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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,962	11/29/2001	Robert Hanson	DOCUSY 3.0-007	4898

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EXAMINER	
COBANOGLU, DILEK B	
ART UNIT	**PAPER NUMBER**
3626	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,962	HANSON ET AL.	
	Examiner	Art Unit	
	Dilek B. Cobanoglu	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/29/2002.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-36 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being unpatentable by Evans et al. (U.S. Patent No. 6,685,678 B2).

A. As per claim 1, Evans et al discloses a medical device for the administration of a drug, said device comprising a source of a drug to be administered to a patient, a holder for said source, and a tracking code operatively associated with said source (Evans et al; col.1, lines 55-60 and col. 2, lines 5-16).

B. As per claim 2, Evans et al discloses the device of claim 1, wherein said tracking code comprises a bar code (Evans et al; col. 2, lines 5-8).

C. As per claim 3, Evans et al discloses the device of claim 1, wherein said source comprises a syringe (Evans et al; col. 2, lines 8-13).

D. As per claim 4, Evans et al discloses the device of claim 3, wherein said holder comprises a syringe label cradle, said syringe attached to said cradle (Evans et al; col. 2, lines 5-16).

E. As per claim 5, Evans et al discloses the device of claim 1, wherein said source comprises an IV port (Evans et al; col. 2, lines 44-47).

F. As per claim 6, Evans et al discloses the device of claim 5, wherein said holder comprises a port label cradle, said IV port being attached to said cradle (Evans et al; col. 2, lines 22-28 and lines 44-47).

G. As per claim 7, Evans et al discloses the device of claim 1, wherein said tracking code comprises a bar code printed onto a label adhered to said holder (Evans et al; col. 2, lines 5-8).

H. As per claim 8, Evans et al discloses a syringe label cradle unit comprising a syringe label cradle, a syringe attached to said cradle, and a tracking code affixed to at least one of said cradle and said syringe (Evans et al; col. 2, lines 5-16).

I. As per claim 9, Evans et al discloses the unit of claim 8, wherein said tracking code comprises a bar code printed onto a label affixed to at least one of said cradle and said syringe (Evans et al; col. 2, lines 5-16).

J. As per claim 10, Evans et al discloses the unit of claim 9, wherein said label is affixed to said cradle (Evans et al; col. 2, lines 5-16).

K. As per claim 11, Evans et al discloses the unit of claim 8, wherein said tracking code identifies a single syringe associated with a single patient (Evans et al; col. 2, lines 5-16).

L. As per claim 12, Evans et al discloses a port label cradle unit comprising a port label cradle, an IV port attached to said cradle, and a tracking code affixed to at least one of said cradle and said IV port (Evans et al; col. 2, lines 22-28 and lines 44-47).

M. As per claim 13, Evans et al discloses the unit of claim 12, wherein said tracking code comprises a bar code printed onto a label affixed to at least one of said cradle and said IV port (Evans et al; col. 2, lines 5-16).

N. As per claim 14, Evans et al discloses the unit of claim 13, wherein said label is affixed to said cradle (Evans et al; col. 2, lines 5-8).

O. As per claim 15, Evans et al discloses the unit of claim 14, wherein said tracking code identifies a single IV port associated with a single patient (Evans et al; col. 2, lines 5-16).

P. As per claim 16, Evans et al discloses a method for tracking data associated with a medical device adapted for the administration of a drug to a patient, said method comprising providing a source of a drug to be administered to a patient, associating a tracking code with said source, providing date associated with said drug to be administered, and storing said data in association with said tracking code (Evans et al; col. 2, lines 5-16).

Q. As per claim 17, Evans et al discloses the method of claim 16, wherein said data is stored on a storage device (Evans et al; col. 1, lines 55-60).

R. As per claim 18, Evans et al discloses the method of claim 17, further including retrieving said data associated with said tracking code from said storage device (Evans et al; col. 1, lines 61-66).

S. As per claim 19, Evans et al discloses the method of claim 16, wherein said tracking code comprises a bar code (Evans et al; col. 2, lines 5-8).

T. As per claim 20, Evans et al discloses the method of claim 19, further including scanning said bar code for identifying said drug associated with said bar code prior to administration of said drug to a patient (Evans et al; col. 1, lines 61-66).

U. As per claim 21, Evans et al discloses the method of claim 16, further including affixing said source to a cradle (Evans et al; col. 2, lines 5-16).

V. As per claim 22, Evans et al discloses the method of claim 21, further including adhering a label containing said tracking code to at least one of said cradle and said source (Evans et al; col. 2, lines 5-16).

W. As per claim 23, Evans et al discloses the method of claim 21, wherein said cradle comprises a syringe label cradle (Evans et al; col. 2, lines 5-16).

X. As per claim 24, Evans et al discloses the method of claim 21, wherein said cradle comprises a port label cradle (Evans et al; col. 2, lines 22-28).

Y. As per claim 25, Evans et al discloses the method of claim 16, wherein said source comprises a syringe (Evans et al; col. 2, lines 8-13).

Z. As per claim 26, Evans et al discloses the method of claim 16, wherein said source comprises an IV port (Evans et al; col. 2, lines 44-47).

AA. As per claim 27, Evans et al discloses a method for tracking data associated with a medical device adapted for the administration of a drug to a patient, said method comprising providing a source of a drug to be administered to a patient, affixing said source in a cradle, providing a label having a bar code corresponding to a tracking code affixed to at least one of said source and said cradle, identifying data associated with said drug and said patient, storing said data in association with said tracking code on a storage device, and retrieving said data from said storage device in response to said tracking code (Evans et al; col.1, lines 55-60 and col. 2, lines 5-16).

BB. As per claim 28, Evans et al discloses the method of claim 27, wherein said source comprises a syringe (Evans et al; col. 2, lines 8-13).

CC. As per claim 29, Evans et al discloses the method of claim 27, wherein said source comprises an IV port (Evans et al; col. 2, lines 44-47).

DD. As per claim 30, Evans et al discloses the method of claim 27, said tracking code identifies a single source associated with a single patient (Evans et al; col. 2, lines 5-8).

EE. As per claim 31, Evans et al discloses a system for tracking data associated with a medical device adapted for the administration of a drug to a patient, said device comprising a cradle, a source of a drug to be administered to a patient attached to said cradle, a tracking code associated with at least one of said cradle and said source, and a storage and retrieval device for storing and retrieving data related to said drug in

association with said tracking code (Evans et al; col. 2, lines 5-16 and lines 22-28).

FF. As per claim 32, Evans et al discloses the system of claim 31, wherein said source comprises a syringe (Evans et al; col. 2, lines 8-13).

GG. As per claim 33, Evans et al discloses the system of claim 31, wherein said source comprises an IV port (Evans et al; col. 2, lines 44-47).

HH. As per claim 34, Evans et al discloses the system of claim 31, said tracking code comprises a bar code (Evans et al; col. 2, lines 5-8).

II. As per claim 35, Evans et al discloses the system of claim 31, wherein said tracking code is printed on a label adhered to said cradle (Evans et al; col. 2, lines 5-16).

JJ. As per claim 36, Evans et al discloses the system of claim 31, further including a scanner for reading said tracking code (Evans et al; col. 2, line 62 to col.3, line 18).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach "Drug delivery device incorporating a tracking code" 2002/0099334, "Medication delivery and monitoring system and methods" RE38189 E, "Medication delivery and monitoring system and methods" 5,651,775 A.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC
Art Unit 3626
02/22/2006

C. LUKE GILLIGAN
PATENT EXAMINER